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CGNE-99-2

APPLICATION FOR UNITED STATES LETTERS PATENT  
DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION  
AND EXPRESSION OF HETEROLOGOUS GENES**

and which application was filed in the United States Patent and Trademark Office on March 7, 1997, having Attorney Docket No. CGNE 99-2, and the Serial Number designation 08/812,665, which application is a continuation of U.S.S.N. 08/484,941, filed June 7, 1995, which is a continuation of U.S.S.N. 08/105,852, filed 8/10/93, pending; U.S.S.N. 08/105,852 is a continuation in part of 07/526,123, filed 5/21/90, pending, which is a continuation of 07/267,865, filed 11/2/88, abandoned, which is a continuation of 06/692,605, filed 1/17/85, abandoned; U.S.S.N. 08/105,852, is also a continuation in part of 07/582,241, filed 9/14/90, abandoned, which is a continuation of 07/188,361, filed 4/29/88, abandoned, which is a continuation in part of 07/168,190, filed 3/15/88, abandoned, which is a continuation in part of 07/054,369, filed 5/26/87, which issued on 7/24/90 as patent number 4,943,674; U.S.S.N. 08/105,852 is also a continuation in part of U.S.S.N. 07/742,834, August 8, 1991, which issued as U.S. Patent No. 5,420,034 issued on 5/30/95, which is a continuation in part of 07/550,804, filed 7/9/90, abandoned, which is a continuation in part of 07/147,781, filed 1/25/88, abandoned, which is a continuation in part of 07/078,538, filed 7/28/87, abandoned, which is a continuation in part of 06/891,529, filed 7/31/86, which is abandoned..

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, and including any amendments filed concurrently with the application papers.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim benefit under the Paris Convention and 35 USC 119 of the priority of the following previously filed application(s):

Country

Serial Number

Filing Date

No application to the invention of the present application was filed in any foreign country prior to the above application(s).

I hereby claim the benefit under Title 35, United States Code, 120 of each United States application listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose material information as defined in the Title 37, Code of Federal Regulations, 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Prior U.S. Application(s)

<u>Serial No.</u>	<u>Filing Date</u>
08/484,941	6/7/95
08/105,852	8/10/93
07/526,123	5/21/90
07/267,865	11/2/88
06/692,605	1/17/85
07/582,241	9/14/90
07/188,361	4/29/88
07/168,190	3/15/88
07/054,369	5/26/87
07/742,834	8/8/91
07/550,804	7/9/90
07/147,781	1/25/88
07/078,538	7/28/87
06/891,529	7/31/86

I hereby appoint

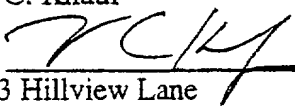
Donna E. Scherer, Reg. No. 34,719  
Carl J. Schwedler, Reg. No. 36,924

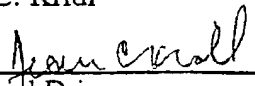
my attorney of record/agent with full power of substitution and recovation to prosecute this application and to transact all business in the Patent Office.

All further correspondence should be addressed to:

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1920 Fifth Street  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Vic C. Knauf  
Inventor's Signature:   
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PATENT

Docket No: CGNE.099.02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Knauf *et al.*

) Examiner: Not Yet Assigned

Serial No.: 08/812,665

) Art Unit: Not Yet Assigned

Filed: March 7, 1997

) REVOCATION AND NEW

For: METHODS AND COMPOSITIONS FOR  
REGULATED TRANSCRIPTION AND  
EXPRESSION OF HETEROLOGOUS  
GENES

) APPOINTMENT OF POWER OF  
) ATTORNEY

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BOX PATENT APPLICATION

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned, an authorized representative of Calgene, Inc., having a place of business at 1920 Fifth St., Davis, CA, 95616, being assignee of total interest of this application, the Assignment being recorded at Reel 8752, Frame 0174, hereby revokes all powers of attorney previously granted in this application and hereby appoints:

Barbara Rae-Venter  
Carl J. Schwedler  
Ofer Matalon

Reg. No. 32,750  
Reg. No. 36,924  
Reg. No. 39,439

as attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and hereby request that all correspondence regarding this application be sent to the firm of:

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this document is being transmitted by facsimile machine to Examiner David Fox at (703) 305-3014 on 3/11/97, 1999.

Rachel Vieira  
(Signature)

RACHEL VIEIRA  
(Printed Name)

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Respectfully submitted,

Date: 1/14/89

By: [Signature]  
Title: PRESIDENT

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